IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Group Art Unit 3695

In re

Patent Application of

Ruth Marie Tritz, et. al

Application No. 09/653,595

Confirmation No. 4590

Filed: August 31, 2000

Examiner: Narayanswamy Subramanian

"METHOD AND APPARATUS FOR
EVALUATING A FINANCIAL ACCOUNT
APPLICANT"

I, Dorothy Hauser, hereby certify that this correspondence is being electronically filed on the United States Patent and Trademark Office's EFS-web with the Commissioner for Patents on the date of my signature.

_____
Signature

May 17, 2010
Date of Signature

APPEAL BRIEF

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

    This Appeal Brief is filed in response to the non-final Office action dated December 15, 2009 and after the Notice of Appeal filed March 15, 2010. The Appeal Brief is filed within the two-month period for response. In the event Applicants have overlooked the need for an extension of time, please consider this a request for the same. Please charge the fee required under 37 C.F.R. 41.20(b)(2) and any other fee associated with this communication or credit any overpayment to Deposit Account No. 13-3080.

TABLE OF CONTENTS

REAL PARTY-IN-INTEREST

The real party in interest is eFunds Corporation, having an address at 400 West Deluxe Parkway Milwaukee, WI 53212, as evidenced by the Assignment recorded January 25, 2001 at reel/frame 011484/0705. eFunds Corporation is a wholly-owned subsidiary of Fidelity National Information Systems, Inc.

RELATED APPEALS AND INTERFERENCES

In Application No. 10/136,042, filed April 30, 2002, which is a continuation of the present Application, a Notice of Appeal was filed on March 1, 2010, and an Appeal Brief was filed on Monday, May 3, 2010.

There are no related interferences.

STATUS OF CLAIMS

Claims 1-9, 26-32 and 40 are pending and are attached in the Claims Appendix. Claims 10-25, 33-39 and 41-49 were previously cancelled without prejudice. Pending claims 1-9, 26-32 and 40 stand at least twice rejected by the Examiner. Applicants appeal the rejection of claims 1-9, 26-32 and 40.

STATUS OF AMENDMENTS

No amendments were made subsequent to the non-final Office action dated December 15, 2009.

SUMMARY OF CLAIMED SUBJECT MATTER

Independent claim 1 is directed to a computer-implemented method of automatically evaluating a financial account applicant for a financial institution, the method comprising the acts of, by a computer, electronically accessing credit bureau data for the applicant (page 3, line 26 through page 4, line 1; page 16, lines 30-34; page 18, line 18 through page 20, line 15 and Table; Fig.1) and, by the computer, electronically accessing account information for the applicant (page 5, lines 24-31; Fig.1). The method also includes acts of, by the computer, inputting the credit bureau data and the account information into an algorithm that defines a risk model (page 6, lines 10-13; page 20, line 15 and Table), assigning a scoring variable to at least some data of the credit bureau data (page 20, line 15 and Table) and of the account information data, and applying a point value to each of the scoring variables to generate a first score (page 19, line 29 through page 20, line 11). In addition, the method includes the acts of, by the computer, electronically generating a final score for the applicant from an output of the risk model including applying a scaling equation to the first score to generate the final score for the applicant (page 20, lines 12-14) and determining whether to open the financial account based on the final score (page 26, lines 1-4; page 27, lines 13-22).

Claims 2-8 and 40 are dependent, either indirectly or directly, upon independent claim 1.

Independent claim 9 is directed to a tangible computer-readable medium storing computer-readable instructions for evaluating a financial account applicant for a new financial account, the instructions directing the computer to perform the acts of accessing a computer network to retrieve credit bureau data for the applicant based on information related to the applicant input to the computer (page 3, line 26 through page 4, line 1; page 16, lines 30-34; page 18, line 18 through page 20, line 15 and Table; Fig.1). The method also includes the acts of accessing the computer network 10 to retrieve a collection of data (through operational data store module 34) related to historical financial account information for the applicant based on information related to the applicant input to the computer (page 5, lines 24-31; Fig.1), inputting the credit bureau data and the historical financial account information into_an algorithm that defines a risk model stored within the computer-readable medium (page 6, lines 10-13; page 20, line 15 and Table), and assigning a scoring variable to at least some data of the credit bureau data and of the account information data (page 20, line 15 and Table). In addition, the method includes the acts of applying a point value to each of the scoring variables to generate a first score (page 19, line 29 through page 20, line 11), electronically generating a final score for the

applicant from an output of the risk model including applying a scaling equation to the first score to generate the final score for the applicant (page 20, lines 12-14), and determining whether to open the new financial account based on the final score (page 26, lines 1-4; page 27, lines 13-22).

Claims 26-32 are dependent, either indirectly or directly, upon independent claim 9.

The above description is provided for purposes of illustration and explanation only and should not be regarded as limiting.

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The issues presented for consideration by the Board are as follows:

1.   Whether claims 1-9, 26-32 and 40 are unpatentable under 35 U.S.C. § 103(a) over U.S. Patent No. 6,119,103 ("Basch") in view of U.S. Patent No. 6,088,686 ("Walker"); and

2.   Whether claims 7-8 and 31-32 are unpatentable under 35 U.S.C. § 103(a) over Basch in view of Walker and further in view of Star Tribune Reference Jan 29, 1998 ("DePass").

ARGUMENT

1.   **Rejection of claims 1-9, 26-32 and 40 under 35 U.S.C. § 103(a) over U.S. Patent No. 6,119,103 ("Basch") in view of U.S. Patent No. 6,088,686 ("Walker")**

Independent Claim 1

Independent claim 1 defines

A computer-implemented method of automatically evaluating a financial account applicant for a financial institution, the method comprising the acts of:

by a computer, electronically accessing credit bureau data for the applicant;

by the computer, electronically accessing account information for the applicant;

by the computer, inputting the credit bureau data and the account information into an algorithm that defines a risk model;

by the computer, assigning a scoring variable to at least some data of the credit bureau data and of the account information data and applying a point value to each of the scoring variables to generate a first score;

by the computer, electronically generating a final score for the applicant from an output of the risk model including applying a scaling equation to the first score to generate the final score for the applicant; and

by the computer, determining whether to open the financial account based on the final score.

Basch does not teach or suggest the subject matter of independent claim 1. More specifically, Basch does not teach or suggest, among other things, a computer-implemented method of automatically evaluating a financial account applicant for a financial institution. Basch also does not teach or suggest such a method including, by a computer, inputting credit bureau data and account information into an algorithm that defines a risk model, by the computer, assigning a scoring variable to at least some data of the credit bureay data and of the account information data and applying a point value to each of the scoring variables to generate a first score, and, by the computer, electronically generating a final score for the applicant from an output of the risk model including applying a scaling equation to the first score to generate the final score for the applicant. Finally, as acknowledged by the Examiner, Basch does not teach or suggest determining whether to open the financial account based on the final score.

Rather, Basch discloses methods and an apparatus for a transaction-based risk prediction system that advantageously assess the financial risk level associated with an account and/or an account holder based on the account holder's transaction pattern and/or transactions pertaining to that account holder across multiple accounts and/or account issuers. Basch discloses a financial risk prediction system (FRPS) 100 for assessing the level of financial risk pertaining to an account and/or account holder based on scoreable transactions. The scoreable transactions are scored against predictive models within FRPS 100 to generate financial risk scores and/or financial risk alerts for the account issuers. According to Basch, since scoreable transactions more accurately reflect the current financial risk level of a particular account and/or account holder than historical payment data, the use of scoreable transactions in assessing financial risk advantageously enables account issuers to timely receive financial risk scores based on events that impact financial risk rather than on data which are updated only monthly or per billing cycle.

In Basch, the FRPS 100 can receive data from a variety of data sources to authenticate the scoreable transaction and to facilitate the creation of appropriate predictive model(s). For example, a variety of account/account holder-level ("AAC-level" data) may be received from multiple data sources to facilitate the creation of the predictive models. AAC-level data pertains to data other than financial transaction data (i.e., other than data relating to the exchange of credit for goods, services, cash, or the like which requires authorization and/or clearing or settlement).

The FRPS 100 of Basch may receive account data from account issuers 102 and public record data from various external public record stores 104 for the authentication of scoreable transactions and/or creation of the predictive models. Credit bureau data may be included in such public record data. In Basch, predictive model generation module 206 represents the module in which selected non-current AAC-level data (e.g., account data, public records data, and the like) as well as selected non-current transactional data (e.g., archived authorizations, clearings and settlements, and the like) are employed to create the predictive model(s).

In Basch, credit bureau data is not input to the predictive model because the credit bureau data was already used to create the predictive model. The following paragraph from Basch indicates that credit bureau data cannot be included as a scoreable transaction because

> [u]nlike prior art risk prediction techniques which typically employ only historical
> payment data for financial risk assessment purposes, the present invention
> advantageously takes advantage of the immediacy of scoreable transactions in
> assessing financial risks. Since scoreable transactions more accurately reflect the
> current financial risk level of a particular account and/or account holder than
> historical payment data, the use of scoreable transactions in assessing financial

11

risk advantageously enables account issuers to timely receive financial risk scores based on events that impact financial risk rather than on data which are updated only monthly or per billing cycle.

Col. 5, lines 17-29.

To further support Applicants' argument that credit bureau cannot be included as a scoreable transaction, Basch, consistent with the recited paragraph above, states

The data kept by credit bureaus is significantly dated since data from the various account issuers is typically not updated with the credit bureaus until after the end of each billing cycle (which may be, for example, monthly or quarterly). Accordingly, the credit bureaus typically do not have accurate or adequate data pertaining to the credit performance of a particular account holder in between reporting periods. Since credit bureau scores are not based on financial transaction data, a credit bureau would not be able to, for example, warn account issuers that certain accounts an/or account holders are at risk based on the recent transactions.

Col. 2, lines 21-32.

Clearly, based on at least the above disclosure in Basch, credit bureau data is not input to the predictive model to generate a risk score. Furthermore, Basch specifically discusses that credit bureau data is too old to properly assess risk of an existing account. The Examiner cites to specific sections of Basch to indicate that credit bureau data is input to the predictive model; however, a review of each of these sections does not so indicate. The credit bureau data may be input to FRPS 100, but the credit bureau data may only be used to help generate the predictive models. There is no mention in Basch that credit bureau data is input to the predictive model, along with account information, to generate a score. Again, there is no disclosure in Basch regarding debit bureau data. However, Applicants submit that the same would apply to such debit bureau data.

In addition, Basch does not teach or suggest that the predictive model of the FRPS 100 assigns a scoring variable to at least some data of the credit bureau data and of the account information data, applies a point value to each of the scoring variables to generate a first score, or electronically generates a final score for the applicant from an output of the risk model including applying a scaling equation to the first score to generate the final score for the applicant. First, there is nothing in Basch to suggest that a scoring variable is assigned to data and a point value is applied to each scoring variable to generate a score.

Rather, in Basch (see Fig. 7), scoreable transactions are input to pattern generation logic module 700, and pattern generation logic 702, 706 generates an output 704, 710 of a plurality of

12

floating point vectors representing patterns reflective of, for example, spending habits of an account holder. Col. 17, lines 17-39. The patterns (from 702, 706) are input to account-level scoring logic 712, 714 to generate account-level scores 716, 718. *Id.*, lines 43-46 Fig. 8 of Basch illustrates the technique for deriving the account-level scores 716, 718 in which the input elements (vectors from output 704, 710) are multiplied by a weight W and transformed using a transfer function in layers 808, 810 to be output 820 as the desired score. Col. 17, line 46 through col. 18, line 4. The patterns of output 704, 710 may be combined and input into consolidation logic 730 to derive account holder-level patterns, and the account holder-level score 734 may be generated by account holder-level scoring logic 732 in the same manner. Col. 18, lines 18-27.

The Examiner suggests that the characteristic variables (see Fig. 9 of Basch and col. 18, line 34 through col. 20, line 40) include the claimed scoring variables. Applicants respectfully disagree. As provided in Basch, such characteristic variables may be used in the model development process 916 to develop a financial risk prediction model (col. 20, lines 26-34) or in the production scoring process 918 in which a score is associated with a particular characteristic value such that a risk may be assessed (*Id.*, lines 35-40). In contrast, as recited in claim 1, a scoring variable is assigned to at least some data of the credit bureau data and of the account information data, and a point value is applied to each of the scoring variables to generate a score. The claimed scoring variable is not associated with a score as provided in Basch.

Second, there is nothing in Basch to suggest that the predictive model of the FRPS 100 applies a scaling equation to the first score to generate a final score for the applicant. The Examiner suggests that weighting implies applying a scaling equation, as claimed. Applicants also respectfully disagree with this contention. As discussed above, to derive the scores 716, 718, 732, the patterns of the output may be multiplied by a weight W and transformed using a transfer function to derive the score. However, Basch does not teach or suggest that a derived score 716, 718, 732 is then subjected to weighting. Accordingly, assuming *arguendo* that weighting equates to applying a scaling equation, as suggested by the Examiner, such weighting is not applied to a derived score 716, 718, 732 to generate a final score.

Finally, Basch does not teach or suggest that the FRPS 100 is used to evaluate a financial account applicant. Rather, Basch focuses on assessing risks involved for existing accounts based on relatively current transaction data. As acknowledged by the Examiner, Basch does not teach

or suggest Basch does not teach or suggest determining whether to open the financial account based on the final score.

For at least these independent reasons, Basch does not teach or suggest the subject matter defined by independent claim 1.

The Examiner relies upon Walker for disclosure of determining whether to open the financial account based on the final score. Even assuming *arguendo* that Walker discloses such subject matter, Walker still does not cure the defecienices of Basch. More specifically, Walker also does not teach or suggest, among other things, a method of automatically evaluating a financial account applicant for a financial institution, the method including, by a computer, inputting credit bureau data and account information into an algorithm that defines a risk model, by the computer, assigning a scoring variable to at least some data of the credit bureau data and of the account information data and applying a point value to each of the scoring variables to generate a first score, and by the computer, electronically generating a final score for the applicant from an output of the risk model including applying a scaling equation to the first score to generate the final score for the applicant.

Rather, Walker discloses a system and method for on-line processing of credit applications. The system of Walker includes a financial network terminal 14, a front-end processing and communications system 16, and an ACAPS processing system 26, which accesses various databases. Col. 12, lines 36-48; Figs. 1A-1B. A local branch representative ("LBR") 12 enters applicant data and the requested credit product. Col. 13, lines 5-12. The entered data is transferred to the ACAPS system 26 for on-line review and approval decision processing. *Id.*, lines 13-18.

The ACAPS system 26 accesses existing customer information stored in databases 18, 20, and 22 to determine a relationship code, which is used to identify price offers for the credit products. *Id.*, lines 19-47. The ACAPS system 26 proceeds to perform a front-end pre-screening process to identify any credit-qualified offers that the LBR 12 can present to the customer 10. *Id.*, lines 48-67. If the customer 10 accepts any of the offers, the credit qualified offer is converted to a request for credit, which requires on-line credit processing for final decision. Col. 14, lines 1-4. The ACAPS system 26 performs a fraud verification, and, if the applicant data passes, the ACAPS system 26 gathers credit bureau reports. *Id.*, lines 17-27. The ACAPS system 26 performs a disaster/policy screening, and, if the applicant data passes, a

disaster response code (e.g., A, B, C, or D) is assigned to the application. *Id.*, lines 28-36; col. 7, lines 30-50; Fig. 41.

The ACAPS system 26 continues to process the application by performing a debt burden verification, and, if the applicant data passes, a debt burden response code is assigned to the application. *Id.* The ACAPS system 26 selects the worst response code between the disaster response code and the debt burden response code, which becomes the credit decision subcode. Col. 14, lines 47-49; col. 7, lines 30-50. The credit decision subcode or scoring response code is used to determine where the scoring response code falls within certain predetermined turndown cutoff ranges (e.g., Hard Approval, Investigate Reject-1, Investigate Reject-2, or Hard Reject-3) in order to assign a status code (e.g., RA-recommend approval, CA-conditional approval, CO-counter-offer approval, or RT-recommend turndown) to the application. Col. 14, line 47 through col. 15, line 21; Fig. 9. The status code determines whether to accept or reject the application or whether to provide a conditional approval of the application. *Id.*

If the applicant requests a bankcard, the ACAPS system 26 performs additional processing. Col. 15, lines 22-25. The applicant data and requested product information is transferred to the bankcard account fulfillment system ("AFS") 40. If the applicant data passes the AFS 40 requirements, the requested product is assigned a credit limit based on either the application credit score and applicant income or the applicant's bank relationship amount and income. *Id.*, lines 39-43. The AFS 40 performs a maximum debt burden offer if the assigned credit limit is within a certain range to calculate a credit limit. *Id.*, lines 45-60; col. 7, lines 58-66; col. 8, lines 5-10. If the applicant 10 is not a student, a non-resident alien or self-employed, the AFS 40 assigns a bank liability balance response code (e.g., A, B, C, or D) to the application. Col. 15, line 61 through col. 16, line 15; col. 7, lines 30-50.

The ACAPS 26 selects the better of the liability balance response code and the credit response code as the final response code. Col. 16, lines 15-18; col. 7, lines 30-50. Based on the final response code, the automated review of the applicant data, and the scoring response code, the ACAPS 26 presents an automated credit offer decision. Col. 16, lines 19-21.

Walker discloses a system that assigns a first alpha response code to disaster screening data and a second response code to debt burden data. The system of Walker selects the worst response code to be the credit decision subcode. The system of Walker assigns a third alpha response code to bank liability data, and the system selects the better of the credit decision subcode and the bank liability response code as the final alpha response code. The system of

15

Walker merely assigns independent response codes to specific data and selects the best or worst response code to be the combined response code (as in the credit decision subcode and the final response code). In other words, in the system of Walker, the specific data is considered independently of other data when assigning the response codes – the data is not combined prior to assigning a response code. Walker does not teach or suggest generating a final score for the applicant by a computer from an output of the risk model including applying a scaling equation to the first score as claimed. Again, the system of Walker merely assigns independent response codes to specific data and selects the best or worst response code to be the combined response code.

For at least these independent reasons, Walker also does not teach or suggest the subject matter of independent claim 1 which is missing from Basch.

In summary, Basch and Walker, alone or in combination, do not teach or suggest, among other things, a method of automatically evaluating a financial account applicant for a financial institution, the method including, by a computer, inputting the credit bureau data and the account information into an algorithm that defines a risk model, by the computer, assigning a scoring variable to at least some data of the credit bureau data and of the account information data and applying a point value to each of the scoring variables to generate a first score, by the computer, electronically generating a final score for the applicant from an output of the risk model including applying a scaling equation to the first score to generate the final score for the applicant, or, by the computer, determining whether to open the financial account based on the final score. For at least each of these independent reasons, Basch and Walker, alone or in combination, do not teach or suggest the subject matter defined by independent claim 1. Accordingly, independent claim 1 is allowable. Claims 2-8 and 40, either directly or indirectly, depend from claim 1 and are allowable for at least the same and other independent reasons.

Independent Claim 9

Independent claim 9 defines

A tangible computer-readable medium storing computer-readable instructions for evaluating a financial account applicant for a new financial account, the instructions directing the computer to perform the acts of:

accessing a computer network to retrieve credit bureau data for the applicant based on information related to the applicant input to the computer;

16

accessing the computer network to retrieve a collection of data related to historical financial account information for the applicant based on information related to the applicant input to the computer;

inputting the credit bureau data and the historical financial account information into an algorithm that defines a risk model stored within the computer-readable medium;

assigning a scoring variable to at least some data of the credit bureau data and of the account information data and applying a point value to each of the scoring variables to generate a first score;

electronically generating a final score for the applicant from an output of the risk model including applying a scaling equation to the first score to generate the final score for the applicant; and

determining whether to open the new financial account based on the final score.

For at least the relevant reasons discussed above with respect to claim 1, Basch and Walker, alone or in combination, do not teach or suggest the subject matter of independent claim 9. As noted above, Basch and Walker, alone or in combination, do not teach or suggest, among other things, a tangible computer-readable medium storing computer-readable instructions for evaluating a financial account applicant for a new financial account, the instructions directing the computer to perform the acts of inputting the credit bureau data and the historical financial account information into an algorithm that defines a risk model stored within the computer-readable medium, assigning a scoring variable to at least some data of the credit bureau data and of the account information data and applying a point value to each of the scoring variables to generate a first score, electronically generating a final score for the applicant from an output of the risk model including applying a scaling equation to the first score to generate the final score for the applicant, and determining whether to open the new financial account based on the final score. For at least each of these independent reasons, independent claim 9 is allowable. Claims 26-32 depend, either directly or indirectly, from independent claim 9 and are allowable for the same and other independent reasons.

2. **Rejection of claims 7-8 and 31-32 under 35 U.S.C. § 103(a) over Basch in view of Walker and further in view of Star Tribune Reference Jan 29, 1998 ("DePass").**

Dependent Claims 7-8

Dependent claims 7-8 depend dependent claim 6 which depends from independent claim 1. As discussed above, Basch and Walker, alone or in combination, do not teach or suggest the subject matter defined by independent claim 1. DePass does not cure the deficiencies of Basch and/or Walker at least with respect to independent claim 1.

The Examiner relies upon DePass for disclosure of denying the applicant if the preliminary financial account database search establishes that the applicant had a previous financial account closed "for cause", as set forth in claim 7, and denying the applicant if the preliminary financial account database search establishes that the applicant has submitted more than a specified number of financial account applications to financial institutions within a given period of time, as set forth in claim 8. Even assuming *arguendo* that DePass discloses such subject matter, DePass still does not cure the deficiencies of Basch and/or Walker.

DePass also does not teach or suggest, among other things, a computer-implemented method of automatically evaluating a financial account applicant for a financial institution, the method comprising the acts of, by a computer, inputting credit bureau data and account information into an algorithm that defines a risk model, by the computer, assigning a scoring variable to at least some data of the credit bureau data and of the account information data and applying a point value to each of the scoring variables to generate a first score, by the computer, electronically generating a final score for the applicant from an output of the risk model including applying a scaling equation to the first score to generate the final score for the applicant, or, by the computer, determining whether to open the financial account based on the final score. Rather, DePass merely discloses that a debit bureau uses sophisticated mathematical formulas and information about a customer's credit and check writing history and that a credit scoring number is generated by taking the product of all the number-crunching. Paragraph 6. DePass is silent as to the sophisticated mathematical formulas and number-crunching. In DePass, there is no disclosure of assigning a scoring variable to at least some data of the credit bureau data and of the account information data, applying a point value to each of the scoring variables to generate a first score, or electronically generating a final score for the applicant from an output of the risk model including applying a scaling equation to the first score to generate the final score for the applicant.

For at least these independent reasons, DePass also does not teach or suggest the subject matter of independent claim 1 which is missing from Basch and/or Walker. For at least the same and other independent reasons, Basch, Walker and DePass, alone or in combination, do not teach or suggest the subject matter defined by independent claim 1, dependent claim 7 or dependent claim 8.

Dependent Claims 31-32

Dependent claims 31-32 depend dependent claim 30 which depends from independent claim 9. As discussed above, Basch and Walker, alone or in combination, do not teach or suggest the subject matter defined by independent claim 9. DePass does not cure the deficiencies of Basch and/or Walker at least with respect to independent claim 9.

The Examiner relies upon DePass for disclosure of denying the applicant if the preliminary financial account database search establishes that the applicant had a previous financial account closed "for cause", as set forth in claim 31, and denying the applicant if the preliminary financial account database search establishes that the applicant has submitted more than a specified number of financial account applications to financial institutions within a given period of time, as set forth in claim 32. Even assuming *arguendo* that DePass discloses such subject matter, DePass still does not cure the deficiencies of Basch and/or Walker.

For at least the relevant reasons discussed above with respect to claims 7-8, DePass Basch and Walker, alone or in combination, do not teach or suggest the subject matter of independent claim 9. As noted above, DePass does not teach or suggest, among other things, a tangible computer-readable medium storing computer-readable instructions for evaluating a financial account applicant for a new financial account, the instructions directing the computer to perform the acts of inputting credit bureau data and historical financial account information into an algorithm that defines a risk model stored within the computer-readable medium, assigning a scoring variable to at least some data of the credit bureau data and of the account information data and applying a point value to each of the scoring variables to generate a first score, electronically generating a final score for the applicant from an output of the risk model including applying a scaling equation to the first score to generate the final score for the applicant, or determining whether to open the new financial account based on the final score.

For at least these independent reasons, DePass also does not teach or suggest the subject matter of independent claim 9 which is missing from Basch and/or Walker. For at least the same

and other independent reasons, Basch, Walker and DePass, alone or in combination, do not teach or suggest the subject matter defined by independent claim 9, dependent claim 31 or dependent claim 32.

CONCLUSION

In view of the foregoing, Applicants respectfully request that the Board reverse the rejections under 35 U.S.C. § 103 and pass the application to allowance.

The undersigned is available for telephone consultation during normal business hours.

Respectfully submitted,

/Edward R. Lawson Jr./

Edward R. Lawson Jr.
Reg. No. 41,931

File No. 025213-9023-01
Michael Best & Friedrich LLP
100 East Wisconsin Avenue, Suite 3300
Milwaukee, WI 53202-4108
Phone: 414-271-6560

CLAIMS APPENDIX

1.   A computer-implemented method of automatically evaluating a financial account applicant for a financial institution, the method comprising the acts of:

by a computer, electronically accessing credit bureau data for the applicant;

by the computer, electronically accessing account information for the applicant;

by the computer, inputting the credit bureau data and the account information into an algorithm that defines a risk model;

by the computer, assigning a scoring variable to at least some data of the credit bureau data and of the account information data and applying a point value to each of the scoring variables to generate a first score;

by the computer, electronically generating a final score for the applicant from an output of the risk model including applying a scaling equation to the first score to generate the final score for the applicant; and

by the computer, determining whether to open the financial account based on the final score.

2.   A method as set forth in claim 1 wherein the act of determining whether to open the financial account includes the acts of establishing electronic guidelines for the financial institution and, by the computer, comparing the guidelines against the final score to evaluate whether to accept the application.

3.   A method as set forth in claim 1 and further comprising the acts of establishing electronic guidelines for the financial institution and, by the computer, comparing the guidelines against the final score to evaluate whether to offer additional products and services of the financial institution to the applicant.

4.   A method as set forth in claim 1 and further comprising the act of, by the computer, electronically accessing demographic data for the applicant, and wherein the act of generating a final score includes the act of, by the computer, basing the final score on the demographic data.

5.   A method as set forth in claim 4 wherein the demographic data includes at least a one of household income, home ownership, and education level.

6.   A method as set forth in claim 1 and further comprising the act of, by the computer, performing a preliminary financial account information database search.

7.   A method as set forth in claim 6 and further comprising the act of, by the computer, denying the applicant if the preliminary financial account database search establishes that the applicant had a previous financial account closed "for cause."

8.   A method as set forth in claim 6 and further comprising the act of, by the computer, denying the applicant if the preliminary financial account database search establishes that the applicant has submitted more than a specified number of financial account applications to financial institutions within a given period of time.

9.   A tangible computer-readable medium storing computer-readable instructions for evaluating a financial account applicant for a new financial account, the instructions directing the computer to perform the acts of:

accessing a computer network to retrieve credit bureau data for the applicant based on information related to the applicant input to the computer;

accessing the computer network to retrieve a collection of data related to historical financial account information for the applicant based on information related to the applicant input to the computer;

inputting the credit bureau data and the historical financial account information into an algorithm that defines a risk model stored within the computer-readable medium;

assigning a scoring variable to at least some data of the credit bureau data and of the account information data and applying a point value to each of the scoring variables to generate a first score;

electronically generating a final score for the applicant from an output of the risk model including applying a scaling equation to the first score to generate the final score for the applicant; and

determining whether to open the new financial account based on the final score.

26.   A computer-readable medium as set forth in claim 9 wherein the instructions directing the computer to perform the act of determining whether to open the financial account includes instructions directing the computer to perform the acts of establishing electronic guidelines for the financial institution and comparing the guidelines against the final score to evaluate whether to accept the application.

27.   A computer-readable medium as set forth in claim 9 wherein the instructions further direct the computer to perform the acts of establishing electronic guidelines for the financial institution and comparing the guidelines against the final score to evaluate whether to offer additional products and services of the financial institution to the applicant.

28.   A computer-readable medium as set forth in claim 9 wherein the instructions further direct the computer to perform the act of accessing demographic data for the applicant and wherein the instructions directing the computer to perform the act of generating [[the]] a final score includes instructions directing the computer to perform the act of basing the final score on the demographic data.

29.   A computer-readable medium as set forth in claim 28 wherein the demographic data includes at least a one of household income, home ownership, and education level.

30.   A computer-readable medium as set forth in claim 9 wherein the instructions further direct the computer to perform the act of performing a preliminary financial account information database search.

31.   A computer-readable medium as set forth in claim 30 wherein the instructions further direct the computer to perform the act of denying the applicant if the preliminary financial account database search establishes that the applicant had a previous financial account closed "for cause."

32.   A computer-readable medium as set forth in claim 30 wherein the instructions further direct the computer to perform the act of denying the applicant if the preliminary financial account database search establishes that the applicant has submitted more than a specified number of financial account applications to financial institutions within a given period of time.

40.   A method as set forth in claim 1 wherein the score is a numerical score.

EVIDENCE APPENDIX

No evidence is submitted in this Appeal.

RELATED PROCEEDINGS APPENDIX

None.